

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.

UNITED STATES OF AMERICA

*

CRIMINAL NO. 19-18

2020 JAN -7 P 2:01

v.

*

SECTION: "R"

WILLIAM W. BLEVINS
CLERK

ESTEBAN RAMIREZ, III

*

* * *

FACTUAL BASIS

Should this matter have proceeded to trial, the Government would have proven, through the introduction of competent testimony and admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant.

The Government would establish that the case against **ESTEBAN RAMIREZ, III** ("**RAMIREZ**"), Heather Tolson ("**Tolson**"), and Jose Fernandez Morel ("**Fernandez**") began as a result of a complaint to the Houma Police Department by the family members of Individual A. Defendants, **RAMIREZ** and Tolson, lived in Lorain, OH and were involved in a relationship. Defendant Fernandez was a citizen of the Dominican Republic and was removed from the United States on August 16, 2016. Prior to his removal from the United States, Fernandez lived in Lorain, OH and was an acquaintance of defendants, **RAMIREZ** and Tolson.

Prior to February 27, 2017, defendant, Fernandez, devised a scheme to defraud people by fraudulently representing himself as an immigration attorney. Prior to February 27, 2017, Fernandez, or others acting at his direction, created the fictitious law firm of Micheal (sic) Browns Immigration Attorneys with an address of 4207 Parliament Drive, Alexandria, LA 71303. Fernandez fraudulently represented himself as an attorney named Robert McCane.

Fernandez enlisted the assistance of defendants **RAMIREZ** and Tolson to receive funds from unknown individuals who were victims of Fernandez's scheme. Defendants **RAMIREZ** and Tolson agreed to wire fraudulently obtained funds they received via Western Union to Fernandez in the Dominican Republic. Fernandez would split the fraudulently obtained funds with defendants **RAMIREZ** and Tolson. Fernandez, **RAMIREZ**, and Tolson ("Defendants"), fraudulently represented themselves as employees with Micheal Browns Immigration Attorneys law firm. Defendants agreed to have Tolson open a bank account at a Chase Bank branch in Lorain, OH in order to receive fraudulently obtained payments from unsuspecting victims. Defendants utilized Western Union to fraudulently obtain payments from unsuspecting victims. Defendants, **RAMIREZ** and Tolson, utilized Western Union to wire fraudulently obtained payments to Fernandez in the Dominican Republic.

On February 5, 2017, Individual A was arrested in Terrebonne Parish, LA for operating a motor vehicle while intoxicated and other charges. Individual A was a citizen of Mexico and possessed an expired U.S. H2B Temporary Worker Visa. U.S. Immigration authorities encountered Individual A at the Terrebonne Parish Criminal Justice Complex in order to investigate his immigration status. Individual A advised U.S. Immigration Officials that he was amenable to removal from the United States under provisions of the Immigration and Nationality Act. Individual A was transferred to the Pine Prairie Correctional Center in Pine Prairie Louisiana pending the resolution of his immigration case. Individual A's cousin, and his cousin's wife ("Individual A's family members") lawfully resided in the United States. Individual A's family members attempted to hire an attorney for Individual A.

Fernandez, **RAMIREZ**, and Tolson fraudulently represented to Individual A's family members that McCane was an attorney associated with the Micheal Browns Immigration Attorneys law firm located in Alexandria, LA. Defendants fraudulently obtained money from Individual A's family members under the guise of obtaining a retainer to provide legal services for Individual A and for posting a bond to secure the release of Individual A from custody.

Per the instructions of Robert McCane, on February 27, 2017, Individual A's family member went to the Piggly Wiggly, located at 5308 Hwy. 56, Chauvin, LA and wired \$1,000 to **RAMIREZ**. On the same date, **RAMIREZ** withdrew the \$1,000 from the Western Union agent located at the Shaks Corner, 2009 West 21st Street in Lorain, OH.

On March 6, 2017, Individual A's family members went to the Chase Bank branch located at 573 Grand Caillou Road, Houma, LA and conducted a bank money transfer of \$980 into the Chase Bank account of Heather Tolson. Also on March 6, 2017, Heather Tolson went to the Chase Bank branch located at 2232 Fairless Drive, Lorain, OH and withdrew \$980 in cash from a teller. Tolson then went to the Walgreens located at 2730 Broadway, Lorain, OH and sent \$350 to Jose Fernandez in the Dominican Republic via Western Union. On March 6, 2017, Fernandez went to a Western Union agent in Villa Mella, Santo Domingo Norte, Santo Domingo and collected the \$350.00 that Tolson had wired from Lorain, OH.

The next day, on March 7, 2017, **RAMIREZ** went to the same Walgreens located at 2730 Broadway Avenue, Lorain, OH and sent \$70 to Jose Fernandez in the Dominican Republic via Western Union. On March 7, 2017, Fernandez went to a Western Union agent in Villa Mella, Santo Domingo Norte, Santo Domingo and collected the \$70.00 that **RAMIREZ** had wired from Lorain, OH.

On March 10, 2017, Individual A's family members went to the Chase Bank branch located at 573 Grand Caillou Road, Houma, LA and conducted a bank money transfer of \$6,300 into the Chase Bank account of Heather Tolson. That same day, on March 10, 2017, Heather Tolson went to the Chase Bank branch located at 1949 Broadway Avenue, Lorain, OH and withdrew \$6,000 in cash from a teller.

On March 15, 2017, Tolson went to the Discount Drug Mart located at 2253 Colorado Avenue, Lorain, OH and sent \$750.00 to Jose Fernandez in the Dominican Republic via Western Union. On March 15, 2017, Fernandez went to a Western Union agent in Villa Mella, Santo Domingo Norte, Santo Domingo and collected the \$750.00 that Tolson had wired from Lorain, OH.

On May 30, 2018, HSI agents interviewed **RAMIREZ** in Lorain, Ohio. **RAMIREZ** was advised of his *Miranda* rights by HSI SAs Green and Schexnayder and, after waiving his rights, reported that approximately one year earlier, he received a telephone call from Jose Fernandez, a former Lorain, Ohio acquaintance, who was now living in the Dominican Republic because he had been deported from the United States. According to **RAMIREZ**, Fernandez called him because Fernandez was starting a new scheme called "playing an attorney" by fraudulently representing himself as an immigration attorney. **RAMIREZ** said Fernandez offered **RAMIREZ** a role in the scheme and that his participation would yield him a financial gain. **RAMIREZ** said his role in the scheme required **RAMIREZ** to receive funds from unknown third parties and then forward the funds to Fernandez via Western Union in the Dominican Republic. Fernandez allowed to **RAMIREZ** to keep a portion of the money for his participation in the scheme.

RAMIREZ said Fernandez instructed him to download the WhatsApp application on his phone as a means to communicate with him. **RAMIREZ** said the application allowed Fernandez

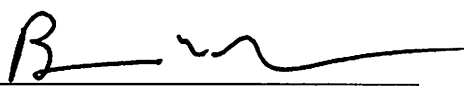
to disguise his telephone number as a 1-800 number. According to **RAMIREZ**, his girlfriend, Heather Tolson, had been participating in the scheme before his involvement. **RAMIREZ** said Tolson received deposits through her bank account. **RAMIREZ** said he received a \$1,000 Western Union wire transfer from an unknown person. **RAMIREZ** and Tolson stopped participating in the scheme because Fernandez wanted a larger portion of the money that he and Tolson were receiving thus reducing their monetary share. **RAMIREZ** became frustrated with Fernandez reducing their cut so **RAMIREZ** decided to keep the total amount of the third deposit of \$500 that was deposited into Tolson's bank account. **RAMIREZ** said Fernandez threatened him with physical bodily harm during their last telephone conversation because **RAMIREZ** kept the full \$500 that was deposited into Tolson's account. **RAMIREZ** said he instructed Tolson not to participate in the scheme with Fernandez after he threatened **RAMIREZ**.

Further, the Government would establish that Western Union Company ("Western Union") was an American financial services and communications company that facilitated the transfer of money from one location to another. Western Union had approximately 550,000 agent locations in over 200 countries and territories. Western Union had an agent branch in the Piggly Wiggly store, 5308 Highway 56, Chauvin, LA, located in the Eastern District of Louisiana. Western Union also operated agent branch locations in Lorain, OH at Shaks Korner (sic), 2009 West 21st Street; Walgreens #10222, 2730 Broadway Avenue; and the Discount Drug Mart #19, 2253 Colorado Avenue. Western Union also operated an agent location in the Sirena Villa Mella near the intersection of Avenidas Hermanas Mirabel Esq and Charles De Gaulle in Villa Mella, Santo Domingo Norte, Republica Dominicana ("Dominican Republic"). Western Union wire transfers were electronically transmitted to and processed by Western Union's central platform located in

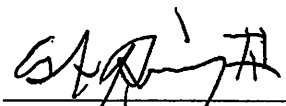
the state of Colorado. After being processed, the funds and recipient information were relayed to the designated Western Union agent payment location.

Chase Bank was the U.S. consumer banking business of JP Morgan Chase & Co., a global financial services firm with operations worldwide. Chase Bank operated a branch location at 573 Grand Caillou Road in Houma, LA, in the Eastern District of Louisiana. Chase Bank also operated branch locations in Lorain, OH at 1949 Broadway Avenue, 115 West 21st Street, and 2232 Fairless Drive. Chase Bank's teller system utilized a network of computers connected to computer servers located in the state of Delaware. Chase deposits and withdrawals resulted in electronic wire communications from the corresponding branch to Chase computer servers in Delaware. Chase account deposit and withdrawal transactions were updated once the Chase teller system validated the account information and the availability of the funds.


Various records and testimonial evidence, including testimony from representatives of the U.S. Department of Homeland Security, Chase Bank, Western Union, and other witnesses, would be called at trial to establish the facts set forth above.


BRIAN M. KLEBBA
Assistant United States Attorney

1/7/20
Date


ESTEBAN RAMIREZ, III
Defendant

1-7-20
Date


WARREN MCKENNA, III
Counsel for Defendant

1/7/2020
Date